

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
December 19, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:05, Tuesday, December 19, 2000, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend James Hundley of Providence United Method Church gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

Chairman Zaremba stated the Board had received notice from the County Administrator, Mr. Daniel Stuck, announcing his resignation from that position effective January 15, 2001. He stated that the Board would discuss who would be named as County Administrator in the interim, and he hoped to announce it at the regular meeting on January 16, 2001. He then wished Mr. Stuck continued success and thanked him for his fifteen years of service to the County.

HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation, (VDOT) appeared to discuss highway matters of interest to the Board of Supervisors. He reported that the paving work on Route 17 near the intersection of Route 134 would continue through the winter, and completion of the project depended on the weather.

Chairman Zaremba read an email letter he received from a member of the Transportation Safety Commission requesting temporary help from VDOT with turn lanes for the various areas under construction on Route 17.

Miss Rapp suggested the areas of construction on Route 17 be coordinated simultaneously to allow for a smoother flow of traffic. She reported a traffic sign was down at Massie Lane and Calthrop Neck Road, and stated a ditch under the Route 134 overpass was responsible for flooding problems in that area.

Mr. Elliott explained that costs were a factor in having the contractor coordinate all construction simultaneously, but he stated he would look into it.

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Mr. Wiggins expressed his concerns over the lack of speed limit signs in Victory Industrial Park and asked that center stripes be painted on the roads in the park. He mentioned that Seaford Road to Back Creek Road previously had a dotted line that would allow passing. He stated it now had a solid line which did not allow passing, and he asked Mr. Elliott to look into the reason for the change.

Mr. Elliott stated he would look into the speed limit signs and the striping of the roads. He explained that VDOT doesn't normally stripe roads of the type in Victory Industrial Park since they then tend to attract more cut-throughs and cause more traffic. He explained that the safety of cars passing was always a concern for VDOT which may be why some roads have been marked with a solid line.

Mr. Wiggins suggested an additional double turning lane be added to the intersection of Route 17 and Denbigh Boulevard traveling from Newport News. He also suggested the timing of the light at Wolftrap Road and Route 17 was too long, and he asked that it be adjusted.

Mr. Burgett reported receiving calls from citizens about the stones left on the newly paved areas of Route 17, and he encouraged VDOT to make sure the contractors cleaned up those areas. He suggested VDOT make the citizens more aware of construction on the roadways by placing notices on the County's information channel.

Mrs. Noll wished Mr. Elliott a wonderful holiday season and thanked him for his past cooperation.

PRESENTATIONS

THOMAS NELSON COMMUNITY COLLEGE BOARD

Mr. Bill Monroe, York County representative on the Thomas Nelson Community College Board, made a video presentation regarding activities at the college which included interviews with the president, staff, and students. The presentation included services offered through the use of the new facilities and shared some history of the school.

DARE MARINA EXPANSION

Mr. Mark Carter, Assistant to the County Administrator, reviewed the current status of the site plan application for the Dare Marina. He stated the review of the site plan had been completed, and comments had been forwarded to the prospective developers and operators. He stated staff was still awaiting re-submission of the site plan that will respond to and address the comments. He stated that staff would be in a position to advise the Board when the site plan came back in.

CITIZENS COMMENT PERIOD

Mr. Melvin Gendron, 823 Railway Road, addressed the Board regarding the Dare Marina. He spoke against the restaurant and the traffic it would generate. He asked Mr. Carter to see that the buffers were in place before construction began if the site plan received approval.

Mr. Kerry Nunn, 801 Railway Road, voiced his concerns about the proposed Dare Marina restaurant. He stated the restaurant had the potential for 450 vehicles daily during lunch and

dinner that would travel down a small roadway. He spoke of the need for buffers and displayed pictures of the marina.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett spoke regarding Item No. 18 on the agenda which was the agreement with the Yorktown Trustees. He stated the Trustees did not approve of the agreement and have suggested a meeting.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck presented a chart on sewer extension accomplishments and explained that this meeting marked the tenth anniversary of the Board's adoption of the sewer extension program. He summarized the program and stated approximately 1,500 homes had been hooked up to sewer over the past ten years. He reported on the Board's major actions throughout the last twelve months that included 48 Board meetings. He reported on the preliminary results of the citizen's survey which indicated increased positive results. He stated he would be on vacation during the holiday season and reminded the Board of the upcoming organizational meeting on January 4, 2001.

Meeting Recessed. At 8:04 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:10 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

SIX-YEAR SECONDARY ROAD IMPROVEMENT PROGRAM.

Mr. Timothy Cross, Acting Chief Planner, made a presentation on proposed Resolution R00-203 to approve a project priority listing for secondary road construction for the six-year period FY2001-2002 through FY2006-2007 and approve a construction budget for FY2001-2002. The Transportation Safety Commission and the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval. Staff also recommended approval of the program through the adoption of proposed Resolution R00-203.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-203 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING FOR
SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR PERIOD
FY2001-2002 THROUGH FY2006-2007 AND TO APPROVE A
CONSTRUCTION BUDGET FOR FY 2001-2002

There being no one present who wished to speak concerning the subject Resolution, Chairman Zaremba closed the public hearing.

Mrs. Noll urged fellow Board members to support the Dirt Street Program addition (Russell Lane) and stated that some roads such as Russell Lane had been waiting 20 years for paving.

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Mr. Wiggins asked if the roads were listed in order of priority.

Mr. Cross explained the list was basically in order of priority; however, VDOT tried to keep all the projects moving toward completion.

Discussion followed concerning the priority of the roads.

Ms. Noll then moved the adoption of proposed Resolution R00-203 which reads:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING FOR
SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR PERIOD
FY2001-2002 THROUGH FY2006-2007 AND TO APPROVE A
CONSTRUCTION BUDGET FOR FY 2001-2002

WHEREAS, the York County Board of Supervisors has been requested to give consideration and provide advice on a proposed program of secondary road improvements contained in the six-year plan; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has provided a recommended program which the Board has carefully considered; and

WHEREAS, the York County Planning Commission has specifically reviewed the proposed projects with respect to their conformance with the York County Comprehensive Plan; and

WHEREAS, the Board and the Virginia Department of Transportation have jointly conducted a duly advertised public hearing and received public comment in accordance with applicable procedure; and

WHEREAS the Board has carefully considered the public comments and staff recommendation with respect to this proposal;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of December, 2000, that the Board does hereby adopt the following project priority listing, as set forth in the "Secondary System Construction Program" prepared by the Virginia Department of Transportation, modified to delete Newman Road, for the Six-Year Secondary Road Plan during the six-year period of FY2001-2002 through FY-2006-2007:

1. **Lakeside Drive** – intersection improvements between Beechwood Drive and Dare Road
2. **Dare Road** – install a left turn lane along westbound lane at Constitution Drive
3. **Big Bethel Road** – intersection improvements at Route 134 and Route 171
4. **Fort Eustis Boulevard Extension** – construct a new road on a new location between the current terminus at Patriot Square Shopping Center and Goodwin Neck Road at its intersection with Seaford Road
5. **Penniman Road** – reconstruct and pave from Alexander Lee Parkway to Fillmore Drive
6. **Carys Chapel Road** – construct intersection improvement at Victory Boulevard

7. **Grafton Drive/Burts Road** – realign Grafton Drive/Route 17 intersection and reconstruct to approximately 0.2 mile north of Route 17
8. **Burts Road** – realign and connect with Grafton Drive intersection and reconstruct to approximately 0.3 mile south of Route 17
9. **Yorkville Road** – improve curve
10. **Yorktown Road** – reconstruct from Tabb Lane to Big Bethel Road
11. **Seaford Road** – widen between Goodwin Neck Road and Seaford Elementary School
12. **Allens Mill Road** – drainage and spot safety improvements
13. **Burts Road** – reconstruct from 0.3 mile south of Route 17 to Oriana Road
14. **Waller Mill Rail Trail** – provide 20% local match for Enhancements Program for construction of a multi-use path parallel to Airport Road
15. **Cook Road** – provide 20% local match for CMAQ-funded project to construct bicycle lanes between the northern intersection of Surrender Road and Moore House Road
16. **Russell Lane** – pave 1,060-foot road through the Dirt Street Improvement Program

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
 Nay: (0)

CLAXTON CREEK SEWER PROJECT

Mr. Barnett made a presentation on proposed Resolution R00-196 to declare the necessity to enter upon and take certain easements in connection with the Claxton Creek sewer project. He stated a signed deed had been received from David and Michelle Snell and that Resolution R00-196 could be amended to reflect that revision.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-196(R) which was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
 AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE
 CLAXTON CREEK SEWER PROJECT

There being no one present who wished to speak concerning the subject resolution, Chairman Zaremba closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R00-196(R) which reads:

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A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE
CLAXTON CREEK SEWER PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Claxton Creek sewer project; and

WHEREAS, for various reasons the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by Rickmond Engineering, Inc. and Mitchell-Wilson Associates, P.C. and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 E, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of December, 2000, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Claxton Creek sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plats attached to the Report of the County Attorney dated November 14, 2000, and incorporated herein by this reference:

Tax Parcel 025J-3-J	"Plat Showing 10' x 20' Utility Easement to be Conveyed to County of York, Virginia, from Robert L. Biggers," as shown on the referenced plat dated March 16, 2000, prepared by Rickmond Engineering, Inc., and designated as "10' x 20' Utility Easement Hereby Conveyed to County of York, Virginia, 200 sq. ft." Value offered to Owner: \$153.00.
Tax Parcel 25A-1-E	"Plat of Easement Conveyance from Bryant S. Byrd to County of York, Virginia, Located: Grafton Magisterial District, York County, Virginia," as shown on the referenced plat dated February 2, 2000, prepared by Mitchell-Wilson Associates, P.C., and designated as a "10' x 20' Utility Easement, Area = 200.00 or 0.01 Ac." Value offered to Owner: \$215.00.
Tax Parcel 25-33	"Plat of Easement Conveyance from Waverly V. & Ruth A. Dryden to County of York, Virginia, Located: Grafton Magisterial District, York County, Virginia," as shown

on the referenced plat dated April 21, 2000, prepared by Mitchell-Wilson Associates, P.C., and designated as a "10' x 20' Utility Easement, Area = 199.85 S.F. or 0.01 Ac." Value offered to Owner: \$60.00.

Tax Parcel 25-65

"Plat Showing 15' Utility Easement to be Conveyed to County of York, Virginia, from Barbara C. Higginbotham," as shown on the referenced plat dated March 16, 2000, revised April 7, 2000, prepared by Rickmond Engineering, Inc., and designated as a "15" Utility Easement Hereby Conveyed to County of York, Virginia, 1,020 sq. ft." Value offered to Owner: \$2,831.00.

Tax Parcel 25J-1-1

"Plat of Easement Conveyance From W. A. Lockley Estate, c/o Charles Lockley, to County of York, Virginia, being Lot 1, W. A. Lockley Estate Subdivision, Located: Grafton Magisterial District, York County, Virginia," as shown on the referenced plat dated February 29, 2000, prepared by Mitchell-Wilson Associates, P.C., and designated as a "10' x 20' Utility Easement, Area = 199.87 S.F. or 0.01 Ac." Value offered to Owner: \$128.00.

Tax Parcel 25-98A

"Plat of Easement Conveyance From Dalton & Frances H. McLawhorn to County of York, Virginia, Located: Grafton Magisterial District, York County, Virginia," as shown on the referenced plat dated February 2, 2000, prepared by Mitchell-Wilson Associates, P.C., and designated as a "10' x 20' Utility Easement Area = 200.00 S.F. or 0.01 Ac." Value offered to Owner: \$134.00.

Tax Parcel 25J-3-H

"Plat Showing 10' x 20' Utility Easement to be Conveyed to County of York, Virginia, from Kenneth R. Pritchard," as shown on the referenced plat dated March 16, 2000, prepared by Rickmond Engineering, Inc., and designated as a "10' x 20' Utility Easement Hereby Conveyed to County of York, Virginia, 200 sq. ft." Value offered to Owner: \$153.00.

Tax Parcel 25-40

"Plat Showing 10' x 10' Utility Easement to be Conveyed to County of York, Virginia, from Donald Ray Shields," as shown on the referenced plat dated March 16, 2000, revised July 6, 2000, prepared by Rickmond Engineering, Inc. and designated as a "10' x 10' Utility Easement Hereby Conveyed to County of York, Virginia, 100 sq. ft." Value offered to Owner: \$164.00.

Tax Parcel 25-100B

"Plat Showing 10' x 20' Utility Easement to be Conveyed to County of York, Virginia, from John D. Wydur, et ux," as shown on the referenced plat dated March 15, 2000, revised May 5, 2000, prepared by Rickmond Engineering, Inc., and designated as a "20' x 20' Utility Easement Hereby Conveyed to County of York, Virginia." Value

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offered to Owner: \$336.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute certificates to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amounts set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

LOCAL LAW ENFORCEMENT BLOCK GRANT

Mr. Stuck made a presentation on proposed Resolution R00-208 to authorize acceptance and appropriation of a grant award by the Bureau of Justice Assistance for the purchase of software enhancements to the Sheriff's Office criminal records management system and for the support of other law enforcement operations.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-208 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACCEPT AND APPROPRIATE A GRANT AWARD TO YORK COUNTY BY THE BUREAU OF JUSTICE ASSISTANCE FOR THE PURCHASE OF SOFTWARE ENHANCEMENTS TO THE SHERIFF'S OFFICE CRIMINAL RECORDS MANAGEMENT SYSTEM AND ADDITIONAL COMPUTER HARDWARE AND OTHER LAW ENFORCEMENT EQUIPMENT TO SUPPORT OPERATIONS

There being no one present who wished to speak concerning the subject Resolution, Chairman Zaremba closed the public hearing.

Mr. Burgett then moved the adoption of proposed Resolution R00-208 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACCEPT AND APPROPRIATE A GRANT AWARD TO YORK COUNTY BY THE BUREAU OF JUSTICE ASSISTANCE FOR THE PURCHASE OF SOFTWARE ENHANCEMENTS TO THE SHERIFF'S OFFICE CRIMINAL RECORDS MANAGEMENT SYSTEM AND ADDITIONAL COMPUTER HARDWARE AND OTHER LAW ENFORCEMENT EQUIPMENT TO SUPPORT OPERATIONS

WHEREAS, the Bureau of Justice Assistance has awarded York County a grant in the amount of \$34,376 including \$30,938 in federal funds and a 10% local match of \$3,438 under the Local Law Enforcement Block Grant Program; and

WHEREAS, funding exists in the Sheriff's current operating budget to provide the required 10% match of \$3,438; and

WHEREAS, the grant will be used to purchase software enhancements to its criminal records management system and additional computer hardware and other law enforcement equipment to support Sheriff's Office operations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of December, 2000, that the County Administrator be, and hereby is, authorized to accept the grant awarded by the Bureau of Justice Assistance.

BE IT FURTHER RESOLVED that an additional \$30,938 be, and hereby is, appropriated in the General Fund for the purchase of software enhancements to the Sheriff's Office criminal records management system and additional computer hardware and other law enforcement equipment.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

TRANSPORTATION ENHANCEMENT PROGRAM APPLICATIONS

Mr. Kraus made a presentation on proposed Resolutions R00-209 and R00-212 to request the Commonwealth Transportation Board to approve funding through the Virginia Transportation Enhancement Program for construction of certain improvements to the Yorktown Waterfront. Proposed Resolution R00-209 endorses the \$1.5 million dollar application for the Yorktown Wharf Area, and proposed Resolution R00-212 endorses the \$1 million application for the Yorktown Historic Beach Trail. Staff recommends adoption of both resolutions.

Chairman Zaremba then called to order a public hearing on proposed Resolutions R00-209 and R00-212 which were duly advertised as required by law and are entitled:

Proposed Resolution R00-209:

A RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO APPROVE FUNDING THROUGH THE VIRGINIA TRANSPORTATION ENHANCEMENT PROGRAM FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE YORKTOWN WATERFRONT TO BE KNOWN AS THE YORKTOWN WHARF AND WATERFRONT INTERPRETIVE AREA

Proposed Resolution R00-212:

A RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD TO APPROVE FUNDING THROUGH

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THE VIRGINIA TRANSPORTATION ENHANCEMENT PROGRAM FOR
CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE
YORKTOWN WATERFRONT TO BE KNOWN AS THE YORKTOWN
HISTORIC BEACH TRAIL

There being no one present who wished to speak concerning the subject Resolutions, Chairman Zaremba closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R00-209 which reads:

A RESOLUTION TO REQUEST THE COMMONWEALTH
TRANSPORTATION BOARD TO APPROVE FUNDING THROUGH
THE VIRGINIA TRANSPORTATION ENHANCEMENT PROGRAM FOR
CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE
YORKTOWN WATERFRONT TO BE KNOWN AS THE YORKTOWN
WHARF AND WATERFRONT INTERPRETIVE AREA

WHEREAS, the Yorktown Master Plan, adopted on March 4, 1993, subsequent to public hearing, proposes various improvements along the Yorktown waterfront including the reconstruction of the wharf, the adaptation of the former warehouse/ferry building to a public use, and the establishment of an open-air public plaza; and

WHEREAS, these proposals were reaffirmed and refined during a community planning workshop conducted in July 1998 and are widely supported as important and integral elements of the Yorktown improvement effort that has been underway since 1988; and

WHEREAS, the York County Board of Supervisors desires to make application under the Virginia Transportation Enhancement Program for funding to assist in the completion of this project; and

WHEREAS, the Board is appreciative of the partial funding approved in 1999 for this project and wishes to have consideration given to an additional funding allocation of \$1,500,000 for the project; and

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request, by resolution, be received from the Board of Supervisors in order for the Virginia Department of Transportation to provide funding for a Transportation Enhancement Program project in York County; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this request;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of December, 2000, that it hereby requests the Commonwealth Transportation Board to approve supplementary funding in the amount of \$1,500,000 for the Transportation Enhancement Program project for the Yorktown Wharf and Waterfront Interpretive Area improvements.

BE IT FURTHER RESOLVED, that the York County Board of Supervisors hereby agrees to pay at least 20 percent of the total cost for planning, design, right-of-way, and construction of this project, and that, if York County subsequently elects to cancel the project, the Board hereby agrees to reimburse the Virginia Department of Transportation for the total amount of

the costs expended by the Department through the date the Department is notified of such cancellation.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

Mrs. Noll then moved the adoption of proposed Resolution R00-212 which reads:

A RESOLUTION TO REQUEST THE COMMONWEALTH
TRANSPORTATION BOARD TO APPROVE FUNDING THROUGH
THE VIRGINIA TRANSPORTATION ENHANCEMENT PROGRAM FOR
CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE
YORKTOWN WATERFRONT TO BE KNOWN AS THE YORKTOWN
HISTORIC BEACH TRAIL

WHEREAS, the Yorktown Master Plan, adopted on March 4, 1993, subsequent to public hearing, proposes various improvements along the Yorktown waterfront including the reconstruction of a riverwalk along the York River; and

WHEREAS, the riverwalk concept was reaffirmed and refined during a community planning workshop conducted in July 1998 and are widely supported as important and integral elements of the Yorktown improvement effort that has been underway since 1988; and

WHEREAS, The riverwalk concept can be greatly enhanced by construction a connection referred to as the Historic Yorktown Beach Trail; and

WHEREAS, the York County Board of Supervisors desires to make application under the Virginia Transportation Enhancement Program for funding to assist in the completion of Historic Yorktown Beach Trail; and

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request, by resolution, be received from the Board of Supervisors in order for the Virginia Department of Transportation to provide funding for a Transportation Enhancement Program project in York County; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this request;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of December, 2000, that it hereby requests the Commonwealth Transportation Board to approve supplementary funding in the amount of \$1,000,000 for the Transportation Enhancement Program project for the Yorktown Historic Beach Trail.

BE IT FURTHER RESOLVED, that the York County Board of Supervisors hereby agrees to pay at least 20 percent of the total cost for planning, design, right-of-way, and construction of this project, and that, if York County subsequently elects to cancel the project, the Board hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

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On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

APPLICATION NO. ZT-53-00, YORK COUNTY BOARD OF SUPERVISORS

Mr. Cross made a presentation on proposed Application No. ZT-53-00 to amend the York County Code to prohibit certain uses in the Limited Industrial zoning district. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 00-22.

Chairman Zaremba then called to order a public hearing on Application No. ZT-53-00 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE, CHAPTER
24.1, ZONING, SECTION 24.1-306, TO PROHIBIT CERTAIN USES
IN THE LIMITED INDUSTRIAL ZONING DISTRICT

There being no one present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Miss Rapp then moved the adoption of proposed Ordinance 00-22 which reads:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE, CHAPTER
24.1, ZONING, SECTION 24.1-306, TO PROHIBIT CERTAIN USES
IN THE LIMITED INDUSTRIAL ZONING DISTRICT

WHEREAS, at its meeting on September 19, 2000, the York County Board of Supervisors sponsored Application No. ZT-53-00 to amend the York County Zoning Ordinance to prohibit certain uses in the Limited Industrial (IL) zoning district; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19th day of December, 2000, that Application No. ZT-53-00 be, and it hereby is, approved to amend Chapter 24.1, Zoning, of the York County Code, Section 24.1-306 (Category 4-Community Uses, Category 5-Educational Uses, Category 10-Commercial/Retail, Category 11-Business/Professional Service, and Category 15-Limited Industrial Activities) to read and provide as follows:

* * *

P=PERMITTED USE <i>S=PERMITTED BY SPECIAL USE PERMIT</i> USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 4 - COMMUNITY USES												
1. Meeting Halls, Recreational, Social Uses, or Private Clubs Operated by Social, Fraternal, Civic, Public, or Similar Organizations		S	S	S	S	S	S	S	P	S			P
2. Any Recreational or Social Uses Approved as a Part of a Subdivision or Site Plan and Operated Primarily for Use of Residents or Occupants of Such Development	P	P	P	P	P	P				P			

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P=PERMITTED USE <i>S=PERMITTED BY SPECIAL USE PERMIT</i> USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 5 - EDUCATIONAL USES												
1. Pre-school, Child Care, Nursery School		S	S	S	S	S	P	P	P	S	P		
2. Elementary, Intermediate, High School and/or Vo-Tech and Related Support Facilities													
a) York County Public Schools	P	P	P	P	P	P	P	P	P	P	S	S	S
b) Other		S	S	S	S	S	S	S	P	S	S	S	S
3. Technical, Vocational, Business School								S	P		P	P	
4. College/University		S						S	P		P		

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P=PERMITTED USE <i>S=PERMITTED BY SPECIAL USE PERMIT</i> USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 10 - COMMERCIAL / RETAIL												
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P		
2. Wearing Apparel Store							P	P	P		P		
3. Appliance Sales									P		P		
4. Auction House								P	P		P		
5. Convenience Store							S	S	P		P		
6. Grocery Store							P		P		P		
7. Book, Magazine, Card Shop							P	P	P		P		

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8. Camera Shop, One-Hour Photo Service							P	P	P		P		P
9. Florist							P	P	P		P		P
10. Gifts, Souvenirs Shop								P	P		P		
11. Hardware, Paint Store								P	P		P	P	P
12. Hobby, Craft Shop								P	P		P		
13. Household Furnishings, Furniture									P		P		
14. Jewelry Store								P	P		P		
15. Lumberyard, Building Materials									S		P	P	P
16. Music, Records, Video Tapes								P	P		P		
17. Drug Store							S	S	P		P		
18. Radio and TV Sales								S	P		P		
19. Sporting Goods Store								P	P		P		
20. Firearms Sales and Service								S	S		S		
21. Tobacco Store								P	P		P		
22. Toy Store								S	P		P		
23. Gourmet Items/Health Foods/Candy/Specialty Foods/Bakery Shops							P	P	P		P		
24. ABC Store								P	P		P		
25. Bait, Tackle/Marine Supplies Including Incidental Grocery Sales									P	P	P	S	S
26. Office Equipment & Supplies								P	P		P	P	P
27. Pet Store							S	P	P		P		
28. Bike Store, Including Rental/Repair							P	P	P		P		P
29. Piece Goods, Sewing Supplies							P	P	P		P		
30. Optical Goods, Health Aids or Appliances								P	P		P		P
31. Fish, Seafood Store									P	P	P		
32. Department, Variety, Discount Store									P		P		
33. Auto Parts, Accessories (new parts)								P	P		P		
34. Second Hand, Used Merchandise Retailers (household items, etc.)								P	P				
a) without outside display/storage								S	S				
b) with outside display/storage													
35. Storage shed and utility building sales/display									S			P	P

* * *

P=PERMITTED USE
S=PERMITTED BY SPECIAL
USE PERMIT

**RESIDENTIAL
DISTRICTS**

**COMMERCIAL AND INDUSTRIAL
DISTRICTS**

	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WC I	EO	IL	IG
USES	CATEGORY 11 - BUSINESS / PROFESSIONAL SERVICE												
1. Broadcasting Studio								P	P		P	P	P
2. Barber/Beauty Shop							P	P	P		P		P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P
4. Funeral Home								S	P		P		
5. a) Photographic Studio							S	P	P		P	P	P
b) Film Processing Lab								S	P		P	P	P
6. Household Items Repair									P		P	P	P
7. Personal Services (Fortune Teller, Tattoo, Pawn Shop, Etc.)									S				
8. a) Banks, Financial Institutions							P	P	P		P		
b) Freestanding Automatic Teller Machines							P	P	P	S	P		
9. Offices						S	P	P	P		P	P	P
10. Hotel & Motel								S	P	S	P		
11. Timeshare Resort						S			S	S	S		
12. Restaurant/Sit Down								P	P		P		
13. Restaurant/Brew-Pub									P		P		
14. Restaurant/Fast Food								S	P		P		
15. Restaurant/Drive In								S	P		P		
16. Restaurant - Carry-out/Delivery only							S	P	P				
17. Small-Engine Repair (lawn and garden equipment, out-board motors, etc.)									P	P	P	P	P
18. Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment									P		P	P	P
19. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users								P	P		P	P	P
20. Professional Pharmacy							P	P	P		P		

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba

Nay: (0)

APPLICATION NO. UP-563-00, SEAFORD YACHT CLUB

December 19, 2000

Mr. Cross made a video presentation on proposed Resolution R00-201 to approve an amendment to a conforming special use to authorize the expansion of the Seaford Yacht Club. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval. Staff recommended approval of the Application through adoption of proposed Resolution R00-201.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-201 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE AN AMENDMENT TO A
CONFORMING SPECIAL USE TO AUTHORIZE THE EXPANSION OF
THE SEAFORD YACHT CLUB

There being no one present who wished to speak concerning the subject Resolution, Chairman Zaremba closed the public hearing.

Mr. Wiggins stated he was a member of the Yacht Club and felt he should abstain from the vote.

Mrs. Noll then moved the adoption of proposed Resolution R00-201 which reads:

A RESOLUTION TO APPROVE AN AMENDMENT TO A
CONFORMING SPECIAL USE TO AUTHORIZE THE EXPANSION OF
THE SEAFORD YACHT CLUB

WHEREAS, Seaford Yacht Club has submitted Application No. UP 563-00, which requests an amendment to a conforming special use pursuant to Section 24.1-115(d) of the York County Zoning Ordinance to authorize the expansion of Seaford Yacht Club located at 3108-A Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 25-(32)-B; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of December, 2000, that Application No. UP-563-00 be, and it is hereby, approved to authorize the expansion of Seaford Yacht Club located at 3108-A Goodwin Neck Road (Route 173) subject to the following conditions:

1. This use permit shall authorize the expansion of the Seaford Yacht Club located at 3108-A Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 25-(32)-B.
2. A site plan shall be prepared in accordance with Article V of the York County Zoning Ordinance. Said site plan shall be in substantial conformance with the conceptual plan received by the Planning Division entitled "Seaford Yacht Club Expansion" and dated Septem-

- ber 8, 2000, and included in the file as part of this application. The footprint for the expansion of the meeting room shall not exceed the footprint limits of the existing patio concrete pad as shown on the concept plan and included as part of this application.
3. The expansion of the parking lot shall be consistent with the requirements set forth in Section 24.1-609(b)(1) of the York County Zoning Ordinance.
 4. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court

On roll call the vote was:

Yea:	(4)	Burgett, Rapp, Noll, Zaremba
Abstention:	(1)	Wiggins
Nay:	(0)	

APPLICATION NO. UP-564-00, KENNETH DALE MOORE

Mr. Cross made a video presentation on proposed Resolution R00-202 to authorize the expansion of an existing mini-storage warehouse facility onto an adjacent 1.74-acre parcel on Route 17. He explained the original plan for the property was to have a restaurant or some other retail use that would screen the view of the warehouses from Route 17. The County's goal for Route 17 was to make the most, both aesthetically and economically, of what was left of the undeveloped commercial property along the corridor. The staff and Planning Commission do not believe that this proposal is consistent with that goal, and denial of the application is recommended.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-202 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE THE EXPANSION OF AN EXISTING MINI-STORAGE
WAREHOUSE FACILITY ONTO AN ADJACENT 1.74-ACRE PARCEL
ON ROUTE 17

Mr. Dale Moore, 104 Lewis Drive, the applicant, stated the original idea was to use the front piece of property for another use whether he did it himself or the property was sold. He explained the property had been on the market for sale since 1996, and he had not received any offers. He stated he made great efforts to keep the landscaping up, and keep the business looking as presentable as possible. He stated he employed over 100 people in the County and had received lucrative offers to start up business in other localities, but he preferred to stay in the County. He stated he generated a lot of tax dollars in the County, and all of his business was conducted in the County, and he was willing to landscape or add a berm to improve the appearance.

Mr. Burgett asked if the existing trees would have to come down if the application were approved.

Mr. Moore indicated that the trees would have to be removed.

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Mr. Wiggins recalled when the original plan was proposed and stated he felt the reason it passed was that it was slated to have a restaurant in the front. He felt the Board would not have approved the plan if it wasn't slated for a restaurant, and he stated he felt that something of that nature should go there.

Mr. Moore asked if it was a cosmetic issue or why it needed to be a restaurant.

Mr. Wiggins stated he felt it should be some other type of business to hide the front of the storage units.

Mr. Moore asked what needed to be hidden.

Chairman Zaremba directed Mr. Moore to answer the question only and not to ask questions of the Board members.

Mr. Wiggins stated he felt the same as the last Board and agreed the property should be utilized another way.

There being no one else present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Chairman Zaremba asked Mr. Cross to elaborate on the original approval given for the mini-warehouses and the understanding for the subject property.

Mr. Cross stated the understanding of the original plan in 1996 was that there would be a restaurant or some other retail use on the property that would screen views of the warehouses from Route 17.

Chairman Zaremba asked if that was understood by the developer.

Mr. Cross affirmed that it was a major selling point in the staff's estimation and the Board's evaluation of the request.

Mrs. Noll recalled a discussion the previous Board had and their desire to have something to screen the facility since Route 17 was a high-visibility roadway.

Mr. Burgett stated the decision was made back in 1996, but he understood the applicant's desire as a landowner to expand his business. He felt they should be amenable to his request in this particular case.

Mr. Burgett then moved the adoption of proposed Resolution R00-202 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE THE EXPANSION OF AN EXISTING MINI-STORAGE
WAREHOUSE FACILITY ONTO AN ADJACENT 1.74-ACRE PARCEL
ON ROUTE 17

WHEREAS, Kenneth Dale Moore has submitted Application No. UP 564-00, which requests a special use permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize the expansion of an existing mini-storage warehouse facility onto an adjacent 1.74-acre parcel located at 5922 George Washington Memorial Highway approximately 300 feet north of the intersection of George Washington Memorial Highway

(Route 17) and Wolftrap Road (Route 630) and further identified as Assessor's Parcel No. 29-(4)-4B; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of this application; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of December, 2000 that Application No. UP-564-00 be, and it is hereby, approved to authorize the expansion of an existing mini-storage warehouse facility onto an adjacent 1.74-acre parcel located at 5922 George Washington Memorial Highway approximately 300 feet north of the intersection of George Washington Memorial Highway (Route 17) and Wolftrap Road (Route 630) and further identified as Assessor's Parcel No. 29-(4)-4B, subject to the following conditions:

1. This use permit shall authorize the expansion of an existing mini-storage warehouse facility onto an adjacent 1.74-acre parcel located at 5922 George Washington Memorial Highway approximately 300 feet north of the intersection of George Washington Memorial Highway (Route 17) and Wolftrap Road (Route 630) and further identified as Assessor's Parcel No. 29-(4)-4B.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of any construction or land clearing activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "Proposed Expansion - 'Stor Moore' Self Storage," prepared by Campbell Land Surveying, Inc. and dated October 2, 2000, except as modified herein.
3. The mini-storage warehouse facility shall be developed and operated in accordance with the standards set forth in Sections 24.1-483, Standards for all wholesaling and warehouse uses, and 24.1-484, Standards for mini-storage warehouses, of the York County Zoning Ordinance.
4. The development shall be limited to a maximum of 20,450 net square feet of rentable space.
5. The hours of operation of the facility shall be limited to 6:00 a.m. to 9:00 p.m. daily.
6. All buildings facing Route 17 shall have façades of brick, stucco, or similar decorative building materials.
7. Access to the site shall be from the existing Stor Moore entrance. No additional entrance on Route 17 shall be permitted.

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8. All warehouse bay doors shall face the inside of the mini-storage warehouse development. No warehouse doors shall be located along or in the exterior façade of the mini-storage warehouse development.
9. Freestanding signage for the development shall be limited to the existing Stor Moore identification sign located at 6000 George Washington Memorial Highway.
10. All fencing shall be of a masonry, wrought iron, or similar decorative material. The use of chain link or similar theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
11. Building height shall be no greater than fifteen feet (15'), as measured from the finish grade, except for any gables on the decorative facade, which may be no greater than thirty feet (30'), as measured from the finish grade.
12. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.
13. The height of the earthen berm depicted on the referenced sketch plan shall be a minimum of four feet (4') as measured from the finish grade.
14. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court

On roll call the vote was:

Yea: (2) Rapp, Burgett
Nay: (3) Noll, Wiggins, Zaremba

CONSENT CALENDAR

Mrs. Noll asked that Item Nos. 11 and 16 be removed from the Consent Calendar.

Mrs. Noll then moved that the Consent Calendar be approved as amended, Item Nos. 8, 9, 10, 12, 13, 14, and 15, respectively.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 8. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

November 15, 2000, Adjourned Meeting
November 21, 2000, Regular Meeting

November 28, 2000, Adjourned Meeting

Item No. 9. AMENDMENT TO THE ECONOMIC INCENTIVE FUND POLICY: Resolution R00-198.

A RESOLUTION TO ADOPT CERTAIN AMENDMENTS TO BOARD
POLICY NUMBER BP99-16 - ECONOMIC DEVELOPMENT
INCENTIVE FUNDS

WHEREAS, the York County Board of Supervisors adopted Board Policy BP99-16 on January 20, 1999; and

WHEREAS, the Board has determined that certain amendments to the policy are necessary to reflect recent decisions associated with the creation of the Office of Economic Development; and

WHEREAS, the Board has carefully considered the proposal transmitted with the County Administrator's report to the Board dated November 17, 2000 and has determined that approval of the proposed amendments is appropriate;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of December, 2000, that Board Policy Number BP99-16 be, and it is hereby, amended and adopted to read as set forth in the attachment to the County Administrator's December 5, 2000 report to the Board of Supervisors.

Item No. 10. TABB MIDDLE SCHOOL DRAINAGE IMPROVEMENT PROJECT: Resolution R00-210.

A RESOLUTION TO APPROVE THE EXECUTION OF A CONTRACT
WITH J. SANDERS CONSTRUCTION COMPANY FOR THE
CONSTRUCTION OF THE TABB MIDDLE SCHOOL DRAINAGE
IMPROVEMENT PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of December, 2000, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following and to execute a contract with J. Sanders Construction Company in the amount of \$75,010 for the project:

	<u>AMOUNT</u>
Tabb Middle School Drainage Improvement Project	\$ 75,010

Item No. 12. SEWER EXTENSION—HAROLD E. SMITH, JR., SUBDIVISION: Resolution R00-189.

December 19, 2000

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE
COUNTY'S VACUUM SEWER COLLECTION SYSTEM TO A
PROPOSED SUBDIVISION OF PROPERTY ON SHIPS POINT ROAD,
AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE
THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Harold E. Smith, Jr. has requested that the County allow the extension of the vacuum sewer collection system to support a proposed Subdivision on Assessor's Parcel No. 26-003-C; and

WHEREAS, the subdivision will create one 1.25 acre lot and one 3.21 acre lot; and

WHEREAS, upon approval of the subdivision's development plan, the developer will have to enter into a public sewer extension agreement pursuant to §18.1-53(b) of the York County Code to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's vacuum sewer collection system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, the Board has determined that the proposed development will not have any detrimental effect on the environment that would not otherwise occur; and

WHEREAS, the developer will pay to the County the applicable inspection and connection fees in accordance with the terms of Chapter 18.1 of the York County Code and the Sanitary Sewer Standards and Specifications; and

WHEREAS, prior to any further engineering or development of these plans, it is necessary that a determination be made as to whether the Board will authorize the extension of the vacuum sewer collection system to serve the proposed development.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of December, 2000, that the Board approves the extension of the County's vacuum sewer collection system to serve the proposed subdivision, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with the developer for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 13. SEWER EXTENSION—HARVEY SHIELDS SUBDIVISION: Resolution R00-188.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE
COUNTY'S VACUUM SEWER COLLECTION SYSTEM TO A
PROPOSED SUBDIVISION OF PROPERTY ON OLD SEAFORD ROAD,
AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE
THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Harvey Shields has requested that the County allow the extension of the vacuum sewer collection system to support a proposed Subdivision on Assessor's Parcel No. 25-375; and

WHEREAS, the subdivision will create one 3.4769 acre lot and one 5.9777 acre lot; and

WHEREAS, upon approval of the subdivision's development plan, the developer will have to enter into a public sewer extension agreement pursuant to §18.1-53(b) of the York County Code to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's vacuum sewer collection system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, the Board has determined that the proposed development will not have any detrimental effect on the environment that would not otherwise occur; and

WHEREAS, the developer will pay to the County the applicable inspection and connection fees in accordance with the terms of Chapter 18.1 of the York County Code and the Sanitary Sewer Standards and Specifications; and

WHEREAS, prior to any further engineering or development of these plans, it is necessary that a determination be made as to whether the Board will authorize the extension of the vacuum sewer collection system to serve the proposed development.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of December, 2000, that the Board approves the extension of the County's vacuum sewer collection system to serve the proposed subdivision, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with the developer for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 14. STREET ACCEPTANCE: Resolution R00-205.

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE A STREET IN THE LAKES AT
DARE, SECTION FOUR, INTO THE SECONDARY SYSTEM OF STATE
HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 19th day of December, 2000, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of

December 19, 2000

the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of The Lakes at Dare, Section Four, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted December 19, 2000

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

The Lakes at Dare, Section Four

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Pelican Place, State Route Number 1184

Description: **From:** Route 1180 (Water Fowl Drive)

To: 0.15 mi northeast to end of cul-de-sac

A distance of: 0.15 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 10/30/1998, Plat Book 12, Pages 634-635, with a width of 50 ft

Item No. 15. COMMENDATION OF RETIRING EMPLOYEE: Resolution R00-207.

A RESOLUTION TO COMMEND AND CONGRATULATE MERITT E. MOORE, JR., SERVICE TECHNICIAN, DIVISION OF VEHICLE MAINTENANCE, DEPARTMENT OF GENERAL SERVICES, UPON THE OCCASION OF HIS RETIREMENT FROM COUNTY SERVICE

WHEREAS, Meritt E. Moore, Jr., Service Technician, Division of Vehicle Maintenance, Department of General Services, retires on January 1, 2001 after having served 18 years with the County of York; and

WHEREAS, Mr. Moore was hired as the County's first Automotive Technician on July 6, 1982, at which time the County had just begun to maintain and repair all County owned vehicles and equipment in-house; and

WHEREAS, during his tenure as Service Technician, with very few resources in those early years he performed repairs and preventative maintenance to County vehicles, including fire fighting apparatus and ambulances, in an efficient and professional manner; and

WHEREAS, during his tenure as Service Technician from 1982 until his retirement, Mr. Moore was a valued member of the County's maintenance team who helped bring York County's vehicle maintenance program into the new millennium;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of December, 2000, that Meritt E. Moore, Jr., be and he is hereby commended and congratulated for his professionalism and devotion to duty in serving the County of York for over 18 years.

BE IT FURTHER RESOLVED that the appreciation of the Board of Supervisors and the citizens of York County is hereby extended to Meritt E. Moore, Jr. for his service, and the heartfelt best wishes of this Board are extended to him and his family for a pleasurable and fulfilling retirement and continued success in all future endeavors.

Item No. 11. SEWER EXTENSION—KUBIE-KAT KOVE SUBDIVISION: Resolution R00-190 (Removed from the Consent Calendar)

Mrs. Noll expressed her concern with the amount of land that was actually available to be built on.

Mr. John Hudgins, Director of Environmental Services, explained the process that finalizes the subdivision plan is a certification by the surveyor that insures there is ten acres. There has been some discrepancy whether it's a little less than ten acres or right at ten acres or a little over ten acres. He stated during the development review process, the surveyor must certify the acreage. If it is less than ten acres, then the subdivision is not approvable as submitted.

Chairman Zaremba asked for more background on the property.

Mr. Hudgins stated the property map from the assessor's office shows 9.96 acres, and that is an approximation not based on any certified survey. There have been some complaints concerning that. He explained there is no certified survey at this time, but it is a requirement for the approval of the subdivision.

Mr. Stuck stated this step in the development process was purposefully set very early so that the property owner did not spend a lot of money doing design work or engineering work if the Board was not going to authorize the sewer extension. The sewer extension agreement authorization is one of the first things that is done.

Discussion followed regarding the acreage.

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Mrs. Noll suggested tabling the matter.

Mr. Barnett stated it was not unusual to find discrepancies between what the land records show and what an actual survey will show.

Mr. Burgett agreed with Mr. Stuck that the sewer extensions could be approved and, if it came up with less than ten acres, the project would not go forward.

Mr. Wiggins agreed with Mr. Burgett and stated all they were agreeing to was that they could hook up to the sewer. He felt they should vote on the issue tonight and let them get started.

Further discussion ensued on the matter.

Mrs. Noll stated the lots had been figured for potential build-out of Calthrop Neck Road. She explained when the sewer extension is put in they know how many lots are there and they are all part of the comprehensive plan. She questioned the sizes of the parcels and asked that the matter be tabled until some questions could be answered.

Mrs. Noll then moved that proposed Resolution R00-190 be tabled.

On roll call the vote was:

Yea:	(3)	Noll, Rapp, Zaremba
Nay:	(2)	Wiggins, Burgett

Item No. 16. CHANGE IN MEETING DATE FOR ORGANIZATIONAL MEETING OF THE BOARD OF SUPERVISORS: Resolution R00-215 (Removed from the Consent Calendar)

Mrs. Noll questioned why the organizational meeting of the Board of Supervisors required re-scheduling. She felt the meetings were set at a regularly scheduled time, and they should be consistent and not be rescheduled.

Chairman Zaremba stated he had requested a change of date for the organizational meeting because his travel plans prevented him from being back in town to have the meeting.

Mrs. Noll then moved the adoption of proposed Resolution R00-215 which reads:

A RESOLUTION TO RESCHEDULE THE JANUARY 2, 2001,
REGULAR MEETING OF THE YORK COUNTY BOARD OF
SUPERVISORS TO JANUARY 4, 2001

WHEREAS, a regular meeting of the York County Board of Supervisors is scheduled for January 2, 2001, and the Board wishes to reschedule it for Thursday, January 4, 2001; and

WHEREAS, Section 15.2-1416 of the Code of Virginia permits a governing body to change its date, time, or place of a meeting, providing that it adopts an appropriate resolution and properly posts and advertises said resolution;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of December, 2000, that the regular meeting of the York County Board of Supervisors

scheduled for Tuesday, January 2, 2001, be, and it is hereby, rescheduled for 7:00 p.m., Thursday, January 4, 2001, to be held in the Board Room, York Hall.

BE IT FURTHER RESOLVED that the County Administrator be, and he is hereby, directed to post and advertise this resolution in accordance with Section 15.2-1416 of the Code of Virginia.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

MATTERS PRESENTED BY THE BOARD

Chairman Zaremba stated that this was the last meeting before Christmas and the New Year and he wished the citizens, staff and Board members a happy, safe holiday. He stated the year 2000 was a very positive, upbeat year with a lot accomplished. He congratulated the citizens who volunteered their time on the numerous boards and committees and thanked the County staff, including the County Administrator, for their contributions in making the County what it is today.

Mr. Burgett reported he attended the library staff breakfast, and at that time he received complaints about the lack of a sign on the library indicating that it was a library. He indicated he would like to see additional lighting around the library to increase the visibility. Mr. Burgett noted he was a member of the key communicators and met with the school superintendent to get a quarterly update. He stated the capacity in the classrooms more than accommodates the number of students currently in the system. He mentioned a concern over drugs in schools and asked Mrs. Anne Smith, Director of Community Services, to report on how the County is fighting the drug problem.

Mrs. Anne Smith provided a report from the Court Services Unit that reflects intakes, arrests, etc. related to drug offenses. She stated the County was deeply involved in an array of efforts in collaboration with state government and private, non-profit agencies to fight drugs. She also explained some of the treatment facilities available.

Mrs. Noll wished everyone holiday greetings and a Happy New Year.

Miss Rapp spoke concerning recent newspaper articles that had quoted her out of context regarding York County schools, zoning ordinances, and the King William reservoir project. She then thanked the elections officials for their help today with the special election. Miss Rapp thanked Mr. Stuck for his leadership and guidance and wished everyone a Merry Christmas.

Mr. Wiggins thanked all of the citizens who elected him to serve and stated he felt the year had been exciting. He thanked the Chairman, stating he felt Mr. Zaremba did a wonderful job this year.

Chairman Zaremba publicly recognized Mr. Stuck for his contributions to the County over the 15-year period that he served the County. He personally thanked Mr. Stuck for his contributions, specifically over the last 5 years since he had been a member of the Board Supervisors. Chairman Zaremba stated Mr. Stuck was responsible for where the County was today, and he thanked him for being a dedicated public servant and wished him success in the future.

NEW BUSINESS

Mr. Stuck discussed the draft letter to VDOT regarding proposals for improvements to the lower part of Route 17 south of Fort Eustis Boulevard. He stated this was in response to VDOT requesting that the County establish some priorities for improvements if VDOT was willing to shift funds from the widening project north of Fort Eustis Boulevard. A series of priorities have been suggested in the letter, with the number one priority being the Poquoson River Bridge. Staff believes it will be a fairly expensive project, but no other funding source has been identified. He stated this was the key to widening that very critical segment of the road to six lanes.

By consensus, the Board agreed to the Route 17 improvement priorities as set out in the draft letter and authorized the County Administrator to sign and forward the letter to VDOT.

CLOSED MEETING. At 9:35 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-344(a)(3) of the Code of Virginia pertaining to real property; Section 2.1-344(a)(5) of the Code of Virginia pertaining to prospective business or industry or expansion of existing business or industry; and, Section 2.1-344(a)(7) of the Code of Virginia pertaining to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

Miss Rapp left the meeting at 9:45.

Meeting Reconvened. At 10:01 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

December 19, 2000

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of December, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Burgett, Zaremba
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY BEAUTIFICATION COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R00-206 which reads:

A RESOLUTION TO APPOINT MEMBERS TO THE 2001 YORK COUNTY BEAUTIFICATION COMMITTEE

BE IT RESOLVED by the York County Board of Supervisors this the 21st day of December, 2000, that the following individuals be, and they are hereby, appointed to the York County Beautification Committee for 2001, such appointments to take effect January 1, 2001, and expire on December 31, 2001.

Don E. Avery	Cindy Barbeau	Virginia Collie
Ada Croke	Carole Ferro	Donna Harper
Robert T. Hornsby, Jr.	Norma Jackson	Leonard LaVella
Hal Murrow	Evelyn Parker	John Payne
Nadien Smith	Richard E. Wallsom	Erika Wilson

On roll call the vote was:

Yea: (4) Wiggins, Burgett, Noll, Zaremba
Nay: (0)

Meeting Adjourned At 10:03 p.m. Chairman Zaremba declared the meeting adjourned to 7p.m., Thursday, January 4, 2001, in the Board Room, York Hall, for the purpose of conducting the 2001 Organizational Meeting of the Board of Supervisors.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors